

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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2004 JUN -7 P 1:55

ANTHONY LEO,

Petitioner,

v.

COMMONWEALTH OF
MASSACHUSETTS,

Respondent.

Civil Action No. 04-11006-JLT


**MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSIVE PLEADINGS
TO PETITION FOR WRIT OF HABEAS CORPUS**

The respondent hereby respectfully requests that this Court grant the Commonwealth an enlargement of time within which it must file an answer or motion to dismiss the petition for a writ of habeas corpus for a period of thirty days, up to and including July 14, 2004. In support of the motion, the respondent states that, pursuant to this Court's order, an answer or other responsive pleading is currently due to be filed by June 14, 2004. The undersigned assistant attorney general is still awaiting receipt of the state materials concerning the petitioner's conviction, which are necessary for counsel to review before formulating an appropriate response to the petition. Moreover, granting this motion will not cause any prejudice to the petitioner nor will it cause any undue delay in these proceedings.

WHEREFORE, the respondent respectfully requests that this Court grant the Commonwealth until July 14, 2004, to file a responsive pleading to the petition for writ of habeas corpus.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL


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Dated: June 4, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the petitioner, Anthony M. Leo, on June 4, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, as follows: Anthony M. Leo, Old Colony Correctional Center, One Administration Road, Bridgewater, Massachusetts, 02324.


Maura D. McLaughlin